

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WILLIS BOYD ANNIS, III,

Plaintiff,

v.

JUSTIN M. CLOUSER, *et al.*,

Defendants.

Case No. 3:22-cv-00054-MMD-CSD

ORDER

On February 4, 2022, the Court received a letter from *pro se* Plaintiff Willis B. Annis addressed to Chief Judge Miranda M. Du, attached here. Annis currently has three open cases before Judge Du, and two additional cases that were recently closed. In his letter, Annis explained that he is not currently located at Lake's Crossing Hospital, and that he is being illegally detained at 1038 Buckeye Road in Minden, NV—the address of the Douglas County Sheriff's Office and Douglas County Jail. He further states that the letter is his third request for release.¹

Annis writes that his letter is not an *ex parte* communication. An *ex parte* communication is “a communication between a *pro se* party or attorney and a judge or chambers when the opposing party or attorney is not present or copied, including telephone calls, letters, or emails.” Local Rule IA 7-2(a). A party may not make an *ex parte* communication except as specifically permitted by the Court or the Federal Rules of Civil Procedure, and any *ex parte* filing must state which rule permits the party to file *ex parte* and must explain why the filing is on an *ex parte* basis. Local Rule IA 7-2(b). The Court finds that Annis' letter is an *ex parte* communication that does not fall under any rule permitting *ex parte* filings. Annis' letter must be filed on the docket.

¹Because Annis did not indicate which of his cases, open or closed, this letter was in reference to, if any, the Court indicates that it received this communication in each of Annis' open cases.

1 At this time, the Court cannot address the relief requested in Annis' letter. of Annis'
2 open cases are civil rights cases brought under 42 U.S.C. § 1983. All § 1983 cases
3 brought *in forma pauperis* by a prisoner are subject to screening. See 28 U.S.C. § 1915A.
4 The Court cannot decide whether Annis is entitled to his requested relief until his
5 complaints are screened. At this time, Annis has not filed a completed application to
6 proceed *in forma pauperis* and § 1983 complaint on the Court's correct forms in any of
7 his open cases, so the screening process has not yet begun. Due to the large number of
8 complaints awaiting screening, the screening process may take several months.

9 Moreover, the Court cautions Annis that he must file a new action if he seeks
10 release from pretrial detention at the Douglas County Jail. "Habeas corpus proceedings
11 are the proper mechanism for a prisoner to challenge the 'legality or duration' of
12 confinement." *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (quoting *Preiser v.*
13 *Rodriguez*, 411 U.S. 475, 484 (1973)). "A civil rights action, in contrast, is the proper
14 method of challenging "conditions of . . . confinement." *Id.* (quoting *Preiser*, 411 U.S. at
15 498-99)). If Annis seeks to challenge his detention at the Douglas County Jail as illegal,
16 he must file a habeas corpus action and either pay the \$5 filing fee or complete an
17 application to proceed *in forma pauperis* on the Court's approved forms. If Annis seeks
18 to challenge the conditions of his confinement at the Douglas County Jail, he must file a
19 § 1983 complaint, either pay the \$402 filing fee or complete an application to proceed *in*
20 *forma pauperis* on the Court's approved forms, and await the Court's screening of his
21 complaint. The Court will not grant relief based on letters sent to a judge.

22 DATED THIS 7th Day of February 2022.


23
24 
25 MIRANDA M. DU
26 CHIEF UNITED STATES DISTRICT JUDGE
27
28

Exhibit A

1-30-2022

Miranda DW,

This is Willis Boyd Annis III
I'm not in Lakes Crossing Hosp,
I'm Illegally Detained on Non Violent
Charges. I've got a Pardon for
non violent charges that clearly
State I'm not to be arrested or
Jailed for ~~for~~ Privoles, Non
Violent actions, crimes, I'm not
to be charged! Now I've written
to this court on several occasions and
I keep asking for my immediate release.
You keep saying this release. I've
told the court that in Case Name,
Willis Boyd Annis V. State of Vermont
Prosecutors and Federal Prosecutors in
the State of Vermont, Case No. —
5:2013-CV-00047, I have a remedial
page Table of Relief that was
approved by a three Panel of
Second Circuit Supreme Court of
Appeals Justices 3, 5, and 7
That Granted me Summary Judgement
Over all Parties, There is a section
in that Federal Injunction against
Pg# 1 of 2

Future charges arrests and being
jailed for Non Violent charges
I'm not to be detained this is a
Signed Pardon from The Supreme
Court you are in violation of this
mandate Please Order my release
to be immediate or I will take
legal action for Unlawful imprisonment
in prisonment and Violation of a
Supreme Court Order, granting me
immunity against non violent charges.
See Table/Pages of remedy in case
No. 3:2013-CV-00047,
Annis V. State of Vermont Prosecutors
Et Al. I'm being illegally confined at
1038 Buckeye Ln. Mendon NV 89423
This is my 3rd Request for Release
1-30-2022 

Willis Boyd Annis III
P.O. Box 1777
Mendon NV 89423

This is not a EX Parte
communication

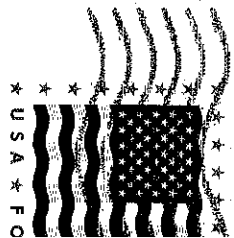
FILED
ENTERED
SERVED ON
RECEIVED
COUNSEL/PARTIES OF RECORD
FEB 04 2022
CLERK US DISTRICT COURT
DISTRICT OF NEVADA

Boillie Annis
PO, Box 1777
Reno NV
89423

U.S. District Court 9th Cir.
c/o Justice Miranda M. Du.
400 So. Virginia St
Reno NV 89501

02 FEB 2022 PM 2 T

RENO NV 895



Douglas County Sheriff's Office, NV
OUTGOING INMATE MAIL